

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:13-cv-74-RJC**

**MARCUS RANDALL BROWN,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 )  
 **ROY COOPER,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )


**ORDER**

**THIS MATTER** is before the Court on Petitioner's motion for certificate of appealability.

On October 4, 2013, this Court denied and dismissed Petitioner's petition for a writ of coram nobis, filed pursuant to 28 U.S.C. § 1651, and his petition for habeas corpus relief, filed pursuant to 28 U.S.C. § 2254. The Court declined to issue a certificate of appealability and Petitioner filed a notice of appeal. October 23, 2013, the Fourth Circuit affirmed the denial of relief under § 1651, and dismissed Petitioner's appeal and likewise found that Petitioner had failed to meet the threshold for the issuance of a certificate of appealability. The Court finds that as the Fourth Circuit has declined to issue a certificate of appealability, Petitioner's present motion should be dismissed as moot.

**IT IS, THEREFORE, ORDERED** that Petitioner's motion for a certificate of appealability is **DISMISSED** as moot. (Doc. No. 12).

Signed: January 15, 2014

  
Robert J. Conrad, Jr.  
United States District Judge

